

**IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA**

**ORDER**

**#1332**

**RESTORING ORDER 1302 ADOPTING THE GROUNDWATER MANAGEMENT  
PLAN FOR THE DIAMOND VALLEY HYDROGRAPHIC BASIN (10-153) WITHIN  
EUREKA COUNTY, NEVADA**

**WHEREAS**, on January 11, 2019, the State Engineer issued Order 1302 granting the Petition to Adopt the Groundwater Management Plan for the Diamond Valley Hydrographic Basin.<sup>1</sup>

**WHEREAS**, year 2019 was the introductory year (Year 1) of the Diamond Valley Groundwater Management Plan (DVGMP), which operated uninterrupted until April 27, 2020.<sup>2</sup>

**WHEREAS**, as a result of the District Court's decision on April 27, 2020, to grant the Petitions for Judicial Review to invalidate Order 1302,<sup>3</sup> and the subsequent appeal to the Nevada Supreme Court,<sup>4</sup> the State Engineer issued Order 1302-A, an addendum to State Engineer's Order 1302, holding in abeyance the decision granting the petition to adopt a groundwater management plan for the Diamond Valley Hydrographic Basin while the appeal was pending in the Nevada Supreme Court.<sup>5</sup>

**WHEREAS**, on June 16, 2022, the Nevada Supreme Court issued its opinion reversing the District Court's decision and reinstating State Engineer's Order 1302.<sup>6</sup>

**WHEREAS**, based in part on the fact that applying the terms of the DVGMP while the irrigation season is well underway would be inefficient and unfair, and also recognizing that the DVGMP designates the start of the DVGMP year as January 1, the Diamond Valley Groundwater Management Plan Advisory Board recommended to the State Engineer that the DVGMP officially restart in 2023, with 2023 being Year 2 of the DVGMP.<sup>7</sup>

---

<sup>1</sup> State Engineer's Order No. 1302, dated January 11, 2019, official records in the Division of Water Resources.

<sup>2</sup> Refer to the Diamond Valley Groundwater Management Plan, available on-line at: <http://water.nv.gov/news.aspx?news=Diamond%20Valley%20GMP>

<sup>3</sup> Findings of Fact, Conclusions of Law, Order Granting Petitions for Judicial Review, *Bailey et al. v. Wilson*, CV-1902-348, consolidated with CV-1902-349 and CV-1902-350 (Seventh Jud. Dist. Ct. April 27, 2020).

<sup>4</sup> *Diamond Natural Resources, et al. v. Diamond Valley Ranch, et al.*, Case No. 81224.

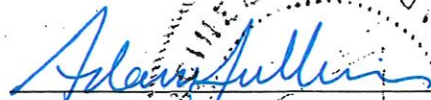
<sup>5</sup> State Engineer's Order No. 1302-A, dated August 27, 2020, official records in the Division of Water Resources.

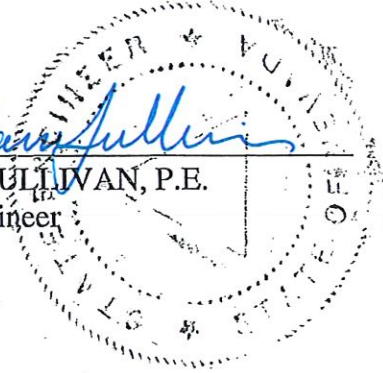
<sup>6</sup> *Diamond Natural Resources, et al. v. Diamond Valley Ranch, et al.*, Case No. 81224, Adv. Op. 43 (Nev. June 16, 2022), *reh'g denied*, Sept. 12, 2022.

<sup>7</sup> Letter from Diamond Valley Groundwater Management Plan Advisory Board, to Adam Sullivan, Nevada State Engineer (July 27, 2022), official records in the Division of Water Resources.

**NOW THEREFORE, IT IS HEREBY ORDERED, that:**

- A. State Engineer's Order 1302-A, addendum to Order 1302, is hereby rescinded and Order 1302 is restored;
- B. Implementation of the DVGMP will resume January 1, 2023;
- C. January 1, 2023, will be considered the beginning of Year 2 under the DVGMP;
- D. The beginning benchmark water allocation for the restart will be 0.649 AF/share as directed under Appendix G of the DVGMP; and
- E. Banked water accrued in the 2019 introductory year will be included in the share register for Year 2.

  
ADAM SULLIVAN, P.E.  
State Engineer



Dated at Carson City, Nevada this

12th day of October, 2022.